

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated October 28, 2008.

Claims 13, 15-16, 18, 19, 20, 21, 22, 24, 25, 26, 28, 30 and 31 are stated to be obvious over Mori (7,165,265), in view of Watson (2004/0133923). Claims 14, 17, 23, 27 and 29 are stated to be obvious over Mori, in view of the “Admitted Prior Art.” Reconsideration is requested in view of the following remarks.

Preliminarily, the Examiner will note that the applicant has made minor changes to the specification to improve the readability thereof. Entry of these amendments is respectfully requested.

Firstly, applicant notes that in modern digital broadcasting, there is a need to broadcast to receivers, not only content, but “reproduction programs” that are required at the receiver end, in order to decode and play and display, or even store, the “program content”. As can be appreciated both from the prior art cited by the Examiner and from the description of the present application, at the receiver end, it is impractical to have stored thereon all the possible types of “reproduction programs”. Doing so would require too much storage space, which is not feasible.

As a second issue, there are basically almost an infinite number of different receiving terminals which wish to receive broadcasted information, and the different receiving terminals need to communicate with the transmitters of the broadcasted information and, in addition, each receiving terminal might have a different set of criteria associated with the user of that receiving terminal which will impact the type of programming or, more accurately, program content, that the particular receiving terminal is desirous of receiving.

Therefore, the present application is concerned with the tailoring of each receiving terminal to the particular viewer’s needs and desires, and the overall issue of the limited ability to store “reproduction programs” at the receiving terminal.

To ameliorate the problems mentioned above relative to the conventional art, the instant application takes note of the concept of content “sequencing” that is associated with broadcast transmitters. This can be appreciated from carefully reading paragraphs 0004, 0005 and 0006 of the instant specification (at pages 2-5 thereof). “Sequencing” is associated with “sequence data”.

Sequencing, by its very nature, refers to the passage of time and the order in which the content is broadcasted, or more accurately received at the receiving terminal.

Referring to Fig. 1 of the instant application, there is shown therein, the concept of sequencing, including the storage at the transmitter end of a large variety of “sequence orders” which are associated with the “program content”. In the conventional art, at the receiver end, a viewer would have to request access to this sequence data and then select that particular sequence desired by a particular viewer or which is to be programmed in it at a particular receiver buffer, and then the receiving buffer would receive that sequence information and only then would the actual content and reproduction programs be transmitted. This, of course, can cause much delay, which is quite annoying and disturbing to a viewer.

Fig. 2 illustrates, at a glance, the distinction of the present invention over the conventional mode of operation. In Fig. 2, at the receiving terminal, the sequence information is transmitted and pre-stored at the receiving terminal, in advance. A viewer can then program the particular receiving terminal to set as the mode of operation of the particular receiving terminal, one of those sequence data and this causes a great speed up in the ability to provide to a particular terminal, the “reproduction programs” that it needs for the selected “program content” and creates a much more comfortable and enjoyable viewing experience.

The instant application includes independent claims 13, 20, 26, 28 and 30. These claims differ with regard to whether they are product claims or method claims or whether they focus on the transmitter end or the receiver terminal. But, common to all of the claims are two key elements/features. These are that the receiving terminal conducts a pre-reading process which involves the receipt and storage at the receiving terminal of “a candidate program head data group”. Secondly, the “candidate program head data group” is a set of “head data of sequence data...”.

In the dependent claims (for example, claim 14), a request transmitter will transmit a “sequence transmission request” to the transmitter to specify “a sequence to be reproduced”, etc. By constructing the system and method of the invention such that the receiving terminal communicates to the transmitter only a particular, selected “candidate program head data”, the process of transmitting to the receiving terminal the particular reproduction programs and the

content associated therewith is greatly simplified which, ultimately, results in a delay-free transmission of the content and the reproduction program which produces to the viewer a far more enjoyable experience.

Further, as recited in the independent claims, the receiving terminal selects the suitable data in accordance with a reproduction environment which is one or a combination of a plurality of environments concerning a state of connection between the receiving terminal and the transmitter, arithmetic operation capability which can be utilized by the receiving terminal, and a reproduction quality.

Turning to the cited references, it is noted that neither of them so much as contains the word "sequence" or the phrase "candidate program head data group". In fact, the primary Mori reference operates on a entirely different concept. It is not based on any specification provided from the receiving terminal. Rather, the receiving terminal obtains and stores "high-use-possibility programs beforehand", as very precisely defined in the title of this patent. As set forth variously at columns 2 and 3 of the Mori reference, a reproduction program determining means determines which reproduction programs are to be cached. The criteria attempts to create "predicted reproduction program over a given time period". The Mori system looks for reproduction programs "with a high possibility of being used in the future". This concept does not depend on selection criteria provided from the specific receiving terminal.

Mori also describes "a contents identifying means for identifying, by referring to the history information, genres that correspond to contents that have been viewed a predetermined number of times or more, and identifying, by referring to the broadcast information, contents that belong to the identified genres, as viewing candidate contents;" (col, 2, lines 42-48). The reproduction programs are selected based on the same criteria. The same type of concept of attempting to look at prior history or creating some prediction factor, such as "the highest number of viewing candidate contents", is also described elsewhere at column 2 and column 3, as well as column 4 of this reference.

Based on the foregoing, applicant respectfully submits that Mori does not provide any teaching or a suggestion "for causing a receiving terminal to conduct pre-reading processing prior to data reproduction processing," or that such a receiving terminal selects the suitable data in

accordance with a reproduction environment which is one or a combination of a plurality of environments concerning a state of connection between the receiving terminal and the transmitter, arithmetic operation capability which can be utilized by the receiving terminal, and a reproduction quality.

Parenthetically, the fifth paragraph on page 2 of the Office Action contains a typographical error in that it begins "Re claim 13, Mori et al did not clearly disclose...". Moreover, it is not clear what the words "Paragraph 40" refer to. Neither Fig. 2 of Mori, nor Fig. 6 thereof disclose anything regarding sequencing information associated with programs or anything suggesting the claimed "candidate program head data group" which is an important feature to all of the claims in the present application.

The secondary Watson reference is at best irrelevant insofar as it teaches that a movie may arrive and be stored in the set-top box. The present claims do not concern themselves with the actual storage of the "program content", since it is inherent in a receiving terminal, that eventually "program content" needs to be received and stored in the receiving terminal, to enable the display thereof with the assistance of the relevant "reproduction program".

Based on the foregoing, it is respectfully submitted that each of the aforementioned independent claims clearly distinguishes over the references of record. Their dependent claims impose further limitations thereon which distances them even further apart from the prior art of record. Therefore, all of the claims in the present application are submitted to be patentable over the cited art.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

Respectfully submitted,



MAX MOSKOWITZ
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM
ON January 28, 2009